

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, JANUARY 22, 2003

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

TENTH CALENDAR DAY
SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 22, 2003

The Senate met in regular session at 8:30 a.m., President Kramer presiding.

Prayer was offered by the Most Reverend Daniel Dinardo, Bishop of the Diocese in Sioux City, Iowa. He was the guest of Senators Johnson and Warnstadt.

The Journal of Tuesday, January 21, 2003, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Larson and Sievers, for the day, on request of Senator Iverson.

SPECIAL GUEST

The Chair welcomed the Honorable Andrew J. McKean, former member of the Senate from Jones County, Anamosa, Iowa.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:42 a.m. until 10:30 a.m.

RECONVENED

The Senate reconvened at 10:31 a.m., President Kramer presiding.

INTRODUCTION OF BILL

Senate File 36, by committee on Appropriations, a bill for an act supplementing appropriations made for the fiscal year beginning July 1, 2002, to the departments of human services, corrections, and public safety, and to the state public defender and the public broadcasting division of the department of education, and providing effective date and applicability provisions.

Read first time and placed on **Appropriations calendar**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Black, until he arrives, on request of Senator Connolly.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: *[SENATE FILE 36 \(SSB 1006\)](#), a bill for an act supplementing appropriations made for the fiscal year beginning July 1, 2002, to the departments of human services, corrections, and public safety, and to the state public defender and the public broadcasting division of the department of education, and providing effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 24: Lamberti, Kramer, Dvorsky, Behn, Black, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Tinsman, Veenstra, Warnstadt, and Ziemann. Nays, none. Absent, 1: Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on [Senate File 36](#), and they were attached to the committee report.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 36](#).

Senate File 36

On motion of Senator Lamberti, **Senate File 36**, a bill for an act supplementing appropriations made for the fiscal year beginning July 1, 2002, to the departments of human services, corrections, and public safety, and to the state public defender and the public broadcasting division of the department of education, and providing effective date and applicability provisions, was taken up for consideration.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**S.F. 36**), the vote was:

Yeas, 47:

Angelo	Fraise	Kramer	Rehberg
Beall	Gaskill	Kreiman	Schuerer
Behn	Gronstal	Lamberti	Seng
Boettger	Hatch	Lundby	Seymour
Bolkcom	Holveck	McCoy	Shull
Brunkhorst	Horn	McKibben	Stewart
Connolly	Hosch	McKinley	Tinsman
Courtney	Houser	Miller	Veenstra
Dearden	Iverson	Putney	Warnstadt
Dotzler	Johnson	Quirnbach	Wieck
Drake	Kettering	Ragan	Zieman
Dvorsky	Kibbie	Redfern	

Nays, none.

Absent, 3:

Black	Larson	Sievers
-------	--------	---------

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 36** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:45 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:35 p.m., Senator Veenstra presiding.

ADJOURNMENT

On motion of Senator Boettger, the Senate adjourned at 1:37 p.m. until 8:30 a.m. Thursday, January 23, 2003.

APPENDIX**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Lucille Arthur, LaPorte City — For celebrating her 100th birthday. Senator Rehberg (1/22/03).

Glen and Cheryl Christensen, Scranton — For being recognized as Second-Generation Master Pork Producers. Senator Beall (1/21/03).

Kevin Herink, Clutier — For being named a Top Pork Producer. Senator Sievers (1/27/03).

Linda Hilmer, LaPorte City — For celebrating her 100th birthday. Senator Rehberg (1/30/03).

Mark Ketcham, Marshalltown — For achieving the rank of Eagle Scout, Boy Scout Troop 310. Senator McKibben (1/19/03).

Rachel Parmer, Maquoketa — For achieving the highest award for Senior Girl Scouts, "The Gold Award," Troop 4041. Senator Stewart (1/22/03).

Dave and Becky Struthers, Collins — For being named Top Pork Producers. Senator Sievers (1/27/03).

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

Convened: January 21, 2003, 3:10 p.m.

Members Present: Schuerer, Chair; Boettger, Vice Chair; Horn, Ranking Member; Kibbie and Shull.

Members Absent: None.

Committee Business: Organizational meeting and budget overview by Legislative Fiscal Bureau.

Adjourned: 3:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 21, 2003, 3:05 p.m.

Members Present: Miller, Chair; Angelo, Vice Chair; Fraise, Ranking Member; Hosch and Kreiman.

Members Absent: None.

Committee Business: Organizational meeting and presentation by the Legislative Fiscal Bureau.

Adjourned: 3:30 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: January 21, 2003, 3:05 p.m.

Members Present: McKibben, Chair; Lamberti, Vice Chair; Warnstadt, Ranking Member; Beall and Kettering.

Members Absent: None.

Committee Business: Organizational meeting and budget overview by Legislative Fiscal Bureau.

Adjourned: 4:05 p.m.

APPROPRIATIONS

Convened: January 22, 2003, 9:00 a.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Dvorsky, Ranking Member; Behn, Black, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Tinsman, Veenstra, Warnstadt, and Zieman.

Members Absent: Sievers (excused).

Committee Business: Approved committee rules and approved [SSB 1006](#) (as amended).

Adjourned: 9:25 a.m.

EDUCATION

Convened: January 22, 2003, 9:40 a.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirnbach, Redfern, and Rehberg.

Members Absent: Larson (excused).

Committee Business: Presentation by Judy Jeffrey, Department of Education.

Adjourned: 10:40 a.m.

JUDICIARY

Convened: January 22, 2003, 1:05 p.m.

Members Present: Redfern, Chair; Kreiman, Ranking Member; Boettger, Fraise, Holveck, Horn, Kettering, Lamberti, McKibben, Miller, Putney, Quirmbach, and Tinsman.

Members Absent: Larson, Vice Chair; and McCoy (both excused).

Committee Business: Approved [SSB 1001](#).

Adjourned: 1:35 p.m.

WAYS AND MEANS

Convened: January 22, 2003, 2:15 p.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkcom, Ranking Member; Angelo, Connolly, Dotzler, Lamberti, McCoy, McKinley, Miller, Quirmbach, Rehberg, Seng, and Stewart.

Members Absent: Hosch, Larson, and Sievers (all excused).

Committee Business: Introduction of committee members and assignment of subcommittees.

Adjourned: 2:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 22, 2003, 3:05 p.m.

Members Present: Gaskill, Chair; Houser, Vice Chair; Seng and Seymour.

Members Absent: Black, Ranking Member (excused).

Committee Business: Organizational meeting, approval of committee rules, and presentation by Legislative Fiscal Bureau.

Adjourned: 3:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 22, 2003, 3:00 p.m.

Members Present: McKinley, Chair; Behn, Vice Chair; Dotzler, Ranking Member; Putney and Quirmbach.

Members Absent: None.

Committee Business: Presentation by Jim Riordan, PERB.

Adjourned: 3:45 p.m.

INTRODUCTION OF BILLS

[Senate File 37](#), by committee on Judiciary, a bill for an act providing for a .08 blood alcohol concentration limit for motor vehicle operating while intoxicated offenses.

Read first time under Rule 28 and **placed on calendar.**

[Senate File 38](#), by Warnstadt, a bill for an act relating to and making an appropriation for the statewide poison control center.

Read first time under Rule 28 and referred to committee on **Appropriations.**

[Senate File 39](#), by Brunkhorst, a bill for an act relating to property tax assessments of subdivided property and providing an applicability date.

Read first time under Rule 28 and referred to committee on **Local Government.**

STUDY BILLS RECEIVED

[SSB 1007](#) **Commerce**

Eliminating certain public disclosure requirements by state banks.

[SSB 1008](#) **Commerce**

Relating to delinquency charges on certain precomputed consumer credit transactions.

[SSB 1009](#) **Commerce**

Relating to the required provider provisions under group health insurance policies and health maintenance organization contracts.

SSB 1010 Commerce

Relating to real estate appraiser certification.

SSB 1011 State Government

Providing for the term of office of the chief executive officer of the Iowa public employees' retirement system and providing an effective and retroactive applicability date.

SUBCOMMITTEE ASSIGNMENTS**Senate File 21**

STATE GOVERNMENT: Schuerer, Chair; Connolly and Tinsman

Senate File 23

WAYS AND MEANS: Rehberg, Chair; Quirnbach and Shull

Senate File 24

WAYS AND MEANS: Angelo, Chair; Hosch and Stewart

Senate File 26

HUMAN RESOURCES: Seymour, Chair; Boettger and Kreiman

Senate File 27

WAYS AND MEANS: Sievers, Chair; Larson and McCoy

Senate File 32

HUMAN RESOURCES: Seymour, Chair; Horn and Schuerer

Senate File 33

STATE GOVERNMENT: Schuerer, Chair; Ragan and Veenstra

Senate File 34

HUMAN RESOURCES: Veenstra, Chair; Hatch and Seymour

Senate File 35

HUMAN RESOURCES: McKinley, Chair; Hosch and Ragan

SSB 1007

COMMERCE: Kettering, Chair; Larson and Stewart

SSB 1008

COMMERCE: Kettering, Chair; Redfern and Stewart

SSB 1009

COMMERCE: Angelo, Chair; Warnstadt and Wieck

SSB 1010

COMMERCE: Sievers, Chair; Beall and Behn

SSB 1011

STATE GOVERNMENT: Zieman, Chair; Drake and Kibbie

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on January 22, 2003, when the vote was taken on [Senate File 36](#). Had I been present, I would have voted "Yea."

DENNIS H. BLACK

COMMITTEE REPORT**JUDICIARY**

Final Bill Action: [SENATE FILE 37 \(SSB 1001\)](#), a bill for an act providing for a .08 blood alcohol concentration limit for motor vehicle operating while intoxicated offenses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Redfern, Kreiman, Boettger, Fraise, Holveck, Kettering, Lamberti, McKibben, Putney, Quirnbach, and Tinsman. Nays, none. Present, 2: Horn and Miller. Absent, 2: Larson and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.